

ENTERED

March 02, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

VS.

2.574 ACRES OF LAND, more or less, in STARR COUNTY, TEXAS; OCIEL MENDOZA; MARTHA N. MENDOZA; and INTERNAL REVENUE SERVICE,

Defendants.

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CIVIL ACTION NO. 7:20-cv-00253

ORDER

The Court now considers the “United States of America and Defendant Martha Mendoza’s Joint Opposed Motion to Stay Condemnation Proceedings.”¹ Defendant Ociel Mendoza has not responded,² but the time for filing a response has passed, rendering the joint motion unopposed by operation of this Court’s Local Rule.³

Plaintiff and Defendant Martha Mendoza jointly request the Court “stay this case for at least 50 days” in light of President Biden’s presidential proclamation which directs executive agencies to reconsider their plans for taking land and develop new plans by March 21, 2021.⁴ However, the most proximate deadline in the Court’s scheduling order is for parties to designate expert witnesses and provide expert reports by May 30, 2021.⁵ In short, the parties enjoy more than two months after the presidential proclamation’s deadline to meet the expert designation and reports deadline, and the Court sees no need for an extension for the parties to meet the

¹ Dkt. No. 31.

² *Id.* at 3.

³ LR7.4 (“Failure to [timely] respond to a motion will be taken as a representation of no opposition.”).

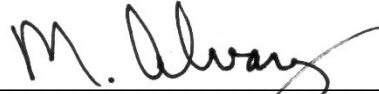
⁴ Dkt. No. 31 at 2, ¶¶ 4–7.

⁵ Dkt. No. 25 at 2.

deadline. Other than the mere fact of the presidential proclamation, the parties provide none.⁶
Accordingly, the Court **DENIES** the motion to stay the proceedings.⁷

IT IS SO ORDERED.

DONE at McAllen, Texas, this 2nd day of March 2021.

A handwritten signature in black ink, appearing to read 'M. Alvarez', is written over a horizontal line.

Micaela Alvarez
United States District Judge

⁶ See Dkt. No. 31 at 2–3, ¶¶ 4–9.

⁷ Dkt. No. 31.